



City of Santa Barbara California

II.

STAFF HEARING OFFICER STAFF REPORT

REPORT DATE: February 7, 2018
AGENDA DATE: February 14, 2018
PROJECT ADDRESS: 237 San Clemente Street (MST2017-00748)
TO: Susan Reardon, Senior Planner, Staff Hearing Officer
FROM: Planning Division, (805) 564-5470
Beatriz Gularte, Senior Planner *BEG*
Kelly Brodison, Assistant Planner

I. PROJECT DESCRIPTION

The project consists of a proposal to convert the 253 square foot accessory space above the detached garage into an accessory dwelling unit (ADU). The proposal includes installing a shower in the existing 1/2 bath and a full kitchen. The existing 1,981 square foot, two-story residence and detached 507 square foot detached two-car garage on the 8,049 square foot lot will remain. No additional square footage is proposed.

The project is located within the Non-Appealable Jurisdiction of the City's Coastal Zone and because the new ADU created is detached from the main residence, a Coastal Development Permit is required.

II. REQUIRED APPLICATIONS

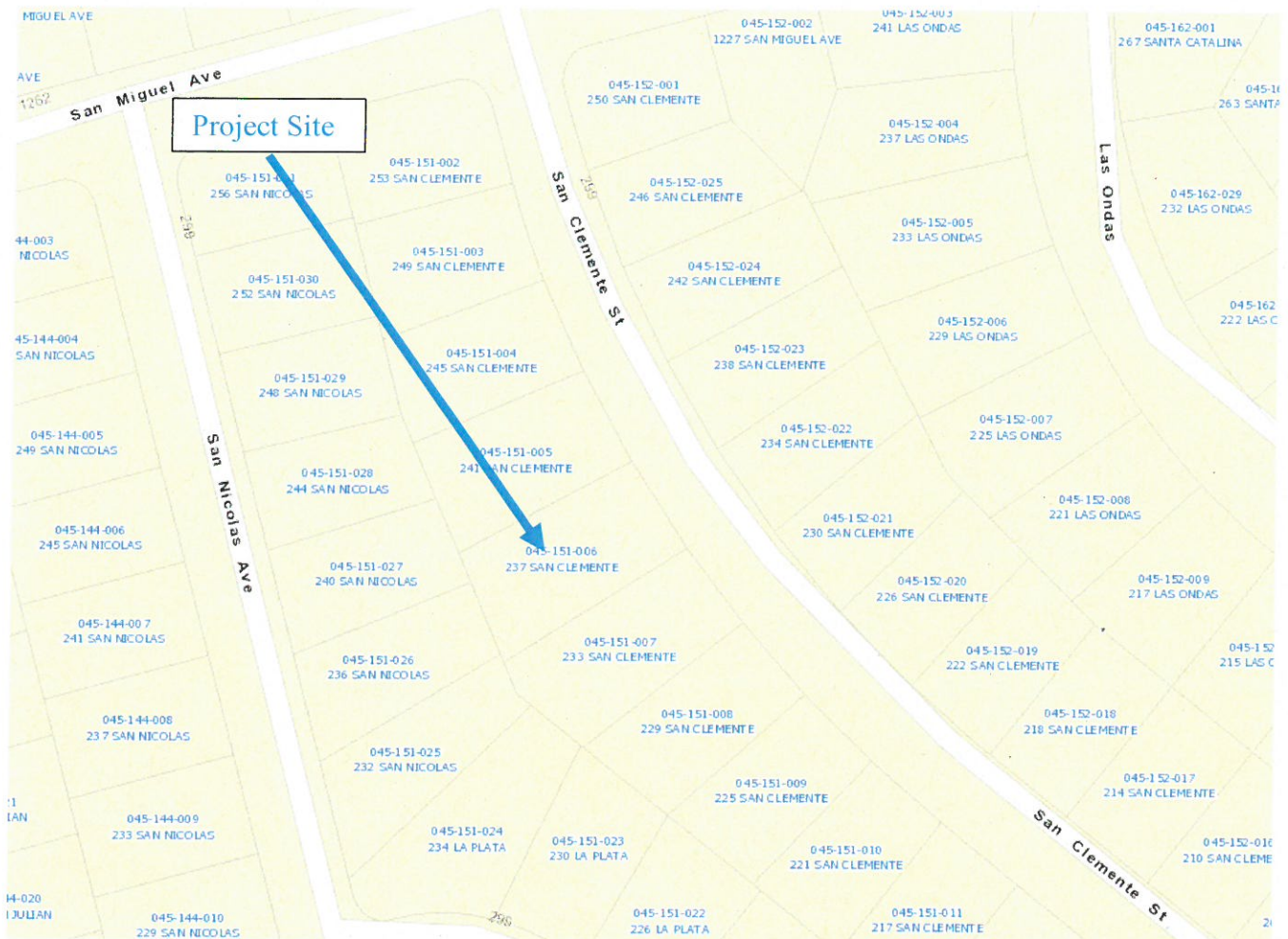
The discretionary application required for this project is a Coastal Development Permit (CDP2017-00016) for a secondary dwelling unit in the non-appealable jurisdiction of the City's Coastal Zone (SBMC §28.44).

Pursuant to SBMC 28.44.110, the decision of the Staff Hearing Officer requires a public notice but does not require a public hearing and is not appealable.

III. RECOMMENDATION

Staff recommends that the Staff Hearing Officer approve the project, making the findings outlined in Section IX of this Report and subject to the conditions of approval in Exhibit A.

APPLICATION DEEMED COMPLETE: January 23, 2018
DATE ACTION REQUIRED : March 24, 2018



237 San Clemente Street - Vicinity Map

IV. BACKGROUND

The 8,049 square foot parcel was previously developed with a 1,544 square foot single family residence and garage. On July 27, 2017, a Coastal Exclusion was processed to: demolish the existing structures on site and to construct a new 1,981 square foot two-story single-family residence with a two-story detached 507 square foot garage with a 253 square foot accessory structure. The accessory structure above was to be used as an exercise room. Other site improvements included a new driveway, retaining wall, and decks for both the residence and accessory structure. The existing structures on site have been demolished and the new house and garage are currently under construction. The request is to convert the previously approved second story accessory space to an accessory dwelling unit.

New State requirements regarding local government regulation of “accessory dwelling units” (ADUs) became effective on January 1, 2017. The Legislature amended Government Code section 65852.2 to modify the requirements that local governments may apply to ADUs with the intent of removing development barriers. Government Code 65852.2 states that ADU applications “shall be considered ministerially without discretionary review or a hearing.”

However, 65852.2 does not “supersede or in any way alter or lessen the effect or application of the California Coastal Act...except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.” (Gov. Code, § 65852.2, subd. (j).)

On April 18, 2017 the California Coastal Commission published a memorandum clarifying how local jurisdictions should apply the new regulations in the Coastal Zone. The memorandum clarifies that although attached ADU applications can be exempt from Coastal Development Permits, detached units do not qualify for an exemption. However, detached units which involve no potential for any adverse effect on coastal resources and are consistent with the Chapter 3 policies of the Coastal Act, do qualify for a Coastal Development Permit “waiver.” In the City of Santa Barbara, this “waiver” is known as a “Coastal Development Permit without hearing.”

Therefore, the Staff Hearing Officer, is the designated decision-maker on the Coastal Development Permit (SBMC 28.44.110.C), but shall not require a public hearing in accordance with Government Code 65852.2.

V. SITE INFORMATION AND PROJECT STATISTICS

A. SITE INFORMATION

Applicant:	Tom Ochsner, Architect		
Property Owner:	David and Pat Wadors		
Site Information			
Parcel Number:	045-151-006	Lot Area:	8,049 sq. ft.
Coastal Land Use Plan: Low Density Residential		Zoning:	E-3/SD-3
Existing Use: Single Family Residential		Topography:	Flat

B. PROJECT STATISTICS

	Existing
Living Area	1,981 sq. ft.
Detached Garage (with laundry room)	507 sq. ft.
Accessory Space (above garage)	253 sq. ft.
Total:	2,741sq. ft.

VI. POLICY AND ZONING CONSISTENCY ANALYSIS

Accessory dwelling units are permitted in single family and multi-family residential zones provided they meet the requirements in Government Code 65852.2 and comply with applicable local zoning requirements. The proposed detached accessory dwelling unit would be created by converting an existing accessory space on the property, which is less than 1,200 square feet in size. Additionally, the unit complies with building height, open yard, and setback requirements.

A new parking space is not required for the ADU because the project site is within ½ mile of a bus stop.

A. LOCAL COASTAL PLAN CONSISTENCY

Per the California Coastal Commission memorandum dated April 18, 2017, the detached ADU requires a Coastal Development Permit and thus must be found consistent with the City's Local Coastal Plan (LCP), which implements the California Coastal Act.

The project is in Component Two of the Local Coastal Plan (LCP), which is located between Arroyo Burro Creek and City College. The LCP states that this area is, with few exceptions, a single family residential neighborhood zoned E-3 with a land use designation of residential, 5 units per acre. The major coastal issues identified for Component Two include protection of the riparian habitat of Arroyo Burro Creek; hazards of seacliff retreat and flooding; maintaining and providing access along the bluffs; protection of recreational access to Arroyo Burro County Beach Park; protection of archaeological resources; maintenance of existing coastal views and open space; and provision of adequate circulation on Las Positas Road.

The project site is not located on the coastal bluff and was not found to be archaeologically sensitive or located within a flood zone. The project site is located significantly far from Arroyo Burro Creek, Arroyo Burro County Beach Park and Las Positas Road as to not affect those resources. Public views would not be affected because there are no public view corridors on the project side of the street.

Furthermore, the proposed ADU would not require substantial development, as it would be located within an existing accessory structure. Minor exterior alterations and a small addition that would be screened by the existing residence are proposed. These improvements do not pose adverse effects on coastal resources and are all consistent with the Chapter 3 policies of the Coastal Act. Therefore, the project is consistent with the applicable policies of the California Coastal Act and Local Coastal Plan, and all implementing guidelines.

Applicable Policies

- a. LCP Policy 5.3: *New development in and/or adjacent to existing residential neighborhoods must be compatible in terms of scale, size, and design with the prevailing character of the established neighborhood. New development which would result in an overburdening of public circulation and /or on-street parking resources of existing residential neighborhoods shall not be permitted.*

The project is consistent with this Policy because a previously approved second-story accessory space will be converted to an accessory dwelling unit. There will be no change to height or appearance of the approved two story garage structure and, therefore, would not alter the existing character of the neighborhood. With the provision of two parking spaces in the garage, no overburdening of on-street parking resources is expected.

- b. LCP Policy 5.6: *To the maximum extent feasible, taking into account economic, environmental, social and technological factors, provisions for low-and moderate-income housing in all new residential developments shall be provided.*

The project is consistent with this policy because the new accessory dwelling unit is modest in size and at approximately 253 net square feet would be more affordable by design.

VII. ENVIRONMENTAL REVIEW

Staff and the Environmental Analyst have determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15303 (New Construction or Conversion of Small Structures), which includes construction of and additions to single family residences, as well as construction of second dwelling units in residential zones. Additionally, the project site is not located within any sensitive or protected resource areas nor would the project result in significant impacts to the surrounding areas as the development would be consistent with the residential neighborhood.

VIII. DESIGN REVIEW

The proposed ADU is exempt from design review because the project involves the proposed conversion of existing accessory space. The project does not propose an expansion to the approved structure. The revision to the window on the west side of the second floor qualifies for administrative approval.

IX. FINDINGS

A. COASTAL DEVELOPMENT PERMIT (SBMC §28.44.150)

1. The project is consistent with the policies of the California Coastal Act because it does not result in any adverse effects related to coastal resources, including views and public access, as described in Section VI of the Staff Report. The proposed development is located within an existing developed area that is able to accommodate the proposed accessory dwelling unit.
2. The project is consistent with all applicable policies of the City's Local Coastal Plan, all applicable implementing guidelines, and all applicable provisions of the Code because the new accessory dwelling unit is compatible with the existing neighborhood, will not overburden on-street parking resources, will not impact views from public view corridors, will not impact public access, and is not located on a coastal bluff or in an archaeological sensitivity zone, as described in Section VI of the Staff Report.

Exhibits:

- A. Conditions of Approval
- B. Site Plan
- C. Applicant's letter, dated November 28, 2017

STAFF HEARING OFFICER CONDITIONS OF APPROVAL

237 SAN CLEMENTE STREET
COASTAL DEVELOPMENT PERMIT FOR AN ACCESSORY DWELLING UNIT
FEBRUARY 14, 2018

- I. In consideration of the project approval granted by the **Staff Hearing Officer** and for the benefit of the owner(s) and occupant(s) of the Real Property, the owners and occupants of adjacent real property and the public generally, the following terms and conditions are imposed on the use, possession, and enjoyment of the Real Property:
- A. **Order of Development.** In order to accomplish the proposed development, the following steps shall occur in the order identified:
1. Pay Land Development Team Recovery Fee (30% of all planning fees, as calculated by staff) at time of building permit application.
 2. Submit an application for and obtain a Building Permit (BLD) to demolish any structures / improvements and/or perform rough grading. Comply with condition D "Construction Implementation Requirements."
 3. Record any required documents (see Recorded Conditions Agreement section).
 4. Permits.

Submit an application for and obtain a Building Permit (BLD) for construction of approved development and complete said development.
- Details on implementation of these steps are provided throughout the conditions of approval.
- B. **Recorded Conditions Agreement.** The Owner shall execute a *written instrument*, which shall be prepared by Planning staff, reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:
1. **Approved Development.** The development of the Real Property approved by the Staff Hearing Officer on _____ is limited to the conversion of the 253 square foot accessory space above the garage, to an accessory dwelling unit as shown on the plans signed the Staff Hearing Officer on said date and on file at the City of Santa Barbara.
 2. **Accessory Dwelling Unit.** The accessory dwelling unit shall not be sold separately from the primary residential unit, and shall be rented for more than 30 days.
 3. **Owner Occupancy Required.** The owner of the lot shall occupy either the primary residential unit or the accessory dwelling unit as his or her primary residence.
 4. **Uninterrupted Water Flow.** The Owner shall allow for the continuation of any historic flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
 5. **Recreational Vehicle Storage Limitation.** No recreational vehicles, boats, or trailers shall be stored on the Real Property unless enclosed or concealed from view.

6. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices in a functioning state and in accordance with the Storm Water BMP Guidance Manual and Operations and Maintenance Procedure Plan approved by the Creeks Division. Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the Owner shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new **Building Permit and Coastal Development Permit** is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
- C. **Requirements Prior to Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, for review and approval by the Department listed below prior to the issuance of any permit for the project. Some of these conditions may be waived for demolition or rough grading permits, at the discretion of the department listed. Please note that these conditions are in addition to the standard submittal requirements for each department.
1. **Public Works Department.**
 - a. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff prepares said agreement for the Owner's signature.
 2. **Community Development Department.**
 - a. **Recordation of Agreements.** The Owner shall provide evidence of recordation of the written instrument that includes all of the Recorded Conditions identified in condition B "Recorded Conditions Agreement" to the Community Development Department prior to issuance of any building permits.
 - b. **Conditions on Plans/Signatures.** The final Resolution shall be provided on a full size drawing sheet as part of the drawing sets. **Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review).** A statement shall also be placed on the sheet as follows: The undersigned have read and understand the required conditions, and agree to abide by any and

all conditions which are their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

Property Owner	Date
Contractor	Date
Contractor	License No.
Architect	Date
Architect	License No.
Engineer	Date
Engineer	License No.

- D. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction, including demolition and grading.

1. **Construction Storage/Staging.** Construction vehicle/ equipment/ materials storage and staging shall be done on-site. No parking or storage shall be permitted within the public right-of-way, unless specifically permitted by the Public Works Director with a Public Works permit.
2. **Unanticipated Archaeological Resources Contractor Notification.** Standard discovery measures shall be implemented per the City master Environmental Assessment throughout grading and construction: Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the Owner shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

A final report on the results of the archaeological monitoring shall be submitted by the City-approved archaeologist to the Environmental Analyst within 180 days of completion of the monitoring and prior to any certificate of occupancy for the project.

E. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:

1. **Repair Damaged Public Improvements.** Repair any public improvements (curbs, gutters, sidewalks, roadways, etc.) or property damaged by construction subject to the review and approval of the Public Works Department per SBMC §22.60. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.

F. **General Conditions.**

1. **Compliance with Requirements.** All requirements of the city of Santa Barbara and any other applicable requirements of any law or agency of the State and/or any government entity or District shall be met. This includes, but is not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.), the 1979 Air Quality Attainment Plan, and the California Code of Regulations.
2. **Approval Limitations.**
 - a. The conditions of this approval supersede all conflicting notations, specifications, dimensions, and the like which may be shown on submitted plans.
 - b. All buildings, roadways, parking areas and other features shall be located substantially as shown on the plans approved by the Staff Hearing Officer.
 - c. Any deviations from the project description, approved plans or conditions must be reviewed and approved by the City, in accordance with the Planning Commission Guidelines. Deviations may require changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

NOTICE OF COASTAL DEVELOPMENT PERMIT TIME LIMITS:

The Staff Hearing Officer action approving the Coastal Development Permit shall expire two (2) years from the date of final action upon the application, per Santa Barbara Municipal Code §28.44.230, unless:

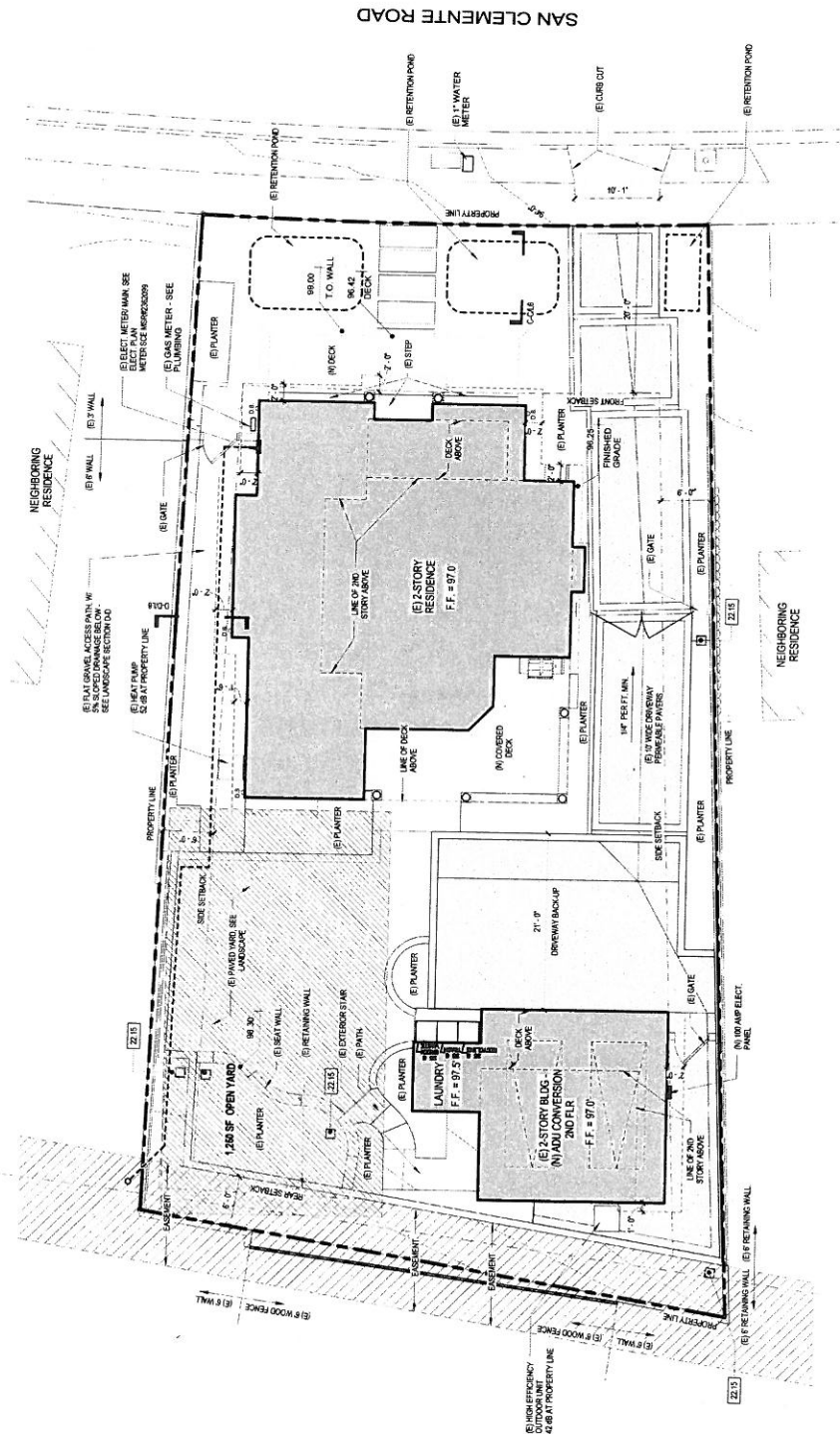
1. Otherwise explicitly modified by conditions of approval for the coastal development permit.
2. A Building permit for the work authorized by the coastal development permit is issued prior to the expiration date of the approval.
3. The Community Development Director grants an extension of the coastal development permit approval. The Community Development Director may grant up to three (3) one-year extensions of the coastal development permit approval. Each extension may be granted upon the Director finding that: (i) the development continues to conform to the Local Coastal Program, (ii) the applicant has demonstrated due diligence in completing the development, and (iii) there are no changed circumstances that affect the consistency of the development with the General Plan or any other applicable ordinances, resolutions, or other laws.

GENERAL NOTES - SITE F


SITE SHALL BE PLANNED AND DEVELOPED TO KEEP SURFACE GRADING AND DRAINAGE PLAN FOR INFORMATION.

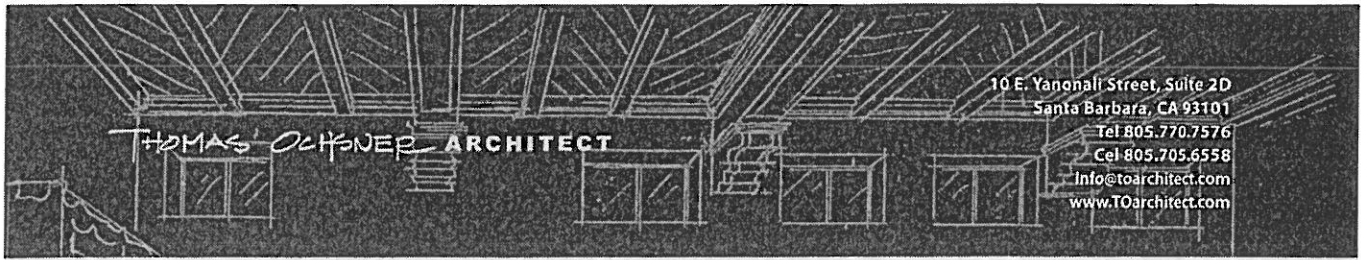
KEY	VALUE	KEYNOTE TED
15	17	CATCH BASIN

PROPOSED NEW IMPERVIOUS AREA:	154 SF.
PROPOSED REPLACED IMPERVIOUS AREA:	238 SF.
PROPOSED REMOVED IMPERVIOUS AREA:	1327 SF.
TOTAL NEW/REPLACED:	392 SF.



SITE PLAN
SCALE: 1/8" = 1'-0"





November 28, 2017

To: City of Santa Barbara Planning Department

Fr: Tom Ochsner, AIA

Re: Dart Submittal Project Description for
 237 San Clement, Santa Barbara, CA

To whom it may concern,

A Coastal Development Permit is being applied for a proposal to convert a previously permitted accessory structure (currently under construction: BLD2017-00972) into an Accessory Dwelling Unit. The parcel is 8,049 s.f. and is currently being developed with a 1,981 s.f, two story single family dwelling unit also un BLD2017-00972

This proposed accessory dwelling unit is located on the second floor above a detached garage. The ADU will be contained completely within the previously permitted second story of the accessory structure. The scope of work will include a full kitchen and full bathroom. Also included with be electrical upgrades required for the Accessory Dwelling Unit.

Sincerely,

Tom Ochsner, Architect
 (805) 705-6558